

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2
3 In the Matter of

4 **SUDHIR K. GOEL, M.D.**

5 Holder of License No. **27103**
6 For the Practice of Allopathic Medicine
7 In the State of Arizona.

**Case No: MD-05-1018A, MD-05-0013A,
MD-05-0605A, MD-05-0681A**

**INTERIM FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER
FOR SUMMARY RESTRICTION OF
LICENSE**

8 **INTRODUCTION**

9 The above-captioned matter came on for discussion before the Arizona Medical
10 Board ("Board") on October 7, 2005. After reviewing relevant information and deliberating,
11 the Board considered proceedings for a summary action against the license of Sudhir K.
12 Goel, M.D. ("Respondent"). Having considered the information in the matter and being
13 fully advised, the Board enters the following Interim Findings of Fact, Conclusions of Law
14 and Order for Summary Suspension of License, pending formal hearing or other Board
15 action. A.R.S. § 32-1451(D).

16 **INTERIM FINDINGS OF FACT**

17 1. The Board is the duly constituted authority for licensing and regulating the
18 practice of allopathic medicine in the State of Arizona.

19 2. Respondent is the holder of License No. 27103 for the practice of allopathic
20 medicine in the State of Arizona.

21 **MD-05-0013A**

22 3. On January 4, 2005 the Board received a complaint from a co-worker and
23 patient ("Patient #1") of Respondent's alleging that Respondent had inappropriately
24 examined her breasts when asked to examine her swollen ankle. Patient #1 complained
25 to an administrator and the administrator terminated Respondent's employment the

1 following day. Patient #1 was interviewed by a Board investigator and confirmed the
2 allegations in the complaint filed with the Board.

3 **MD-05-0605A**

4 4. On July 17, 2005 the Board received an anonymous complaint alleging that
5 Respondent performed unnecessary breast and pelvic examinations during check-ups
6 related to a bronchitis-type illness, the last visit being on July 11, 2005. The complaint
7 alleged that after performing a PAP smear Respondent told Patient #2 he and his wife of
8 ten to twelve years were beginning to have different interests and asked Patient #2
9 whether they could go out sometime and whether he could call her. The complaint further
10 alleged Respondent gave the patient ("Patient #2") his personal cell phone number.

11 **MD-05-0681A**

12 5. On July 26, 2005 the Board received information from the Phoenix Police
13 Department alleging Respondent fondled a patient ("Patient #3") during an examination.
14 Patient #3 alleged Respondent fondled her breast, pelvic area, neck, hair and ears in an
15 inappropriate manner without the presence of a female medical assistant. Patient #3
16 indicated she presented to Respondent because she had been experiencing stomach
17 problems. Patient #3 alleged that during her first examination Respondent examined her
18 breast and torso area by pushing around her chest area with his fingers and hands while a
19 female staff person was present. Patient #3 alleged that when she returned for a follow-up
20 examination Respondent examined her without a female staff person present and he
21 fondled her breasts and pelvic area, including inserting fingers into her vagina. Patient #3
22 alleged on a third examination Respondent again fondled her breasts, nipples, vaginal
23 area, hair and ears. Patient #3 three also alleged Respondent asked for her phone
24 number and gave her his phone number.

1
2 6. On August 8, 2005 Board Staff interviewed Respondent. Based on the
3 interview Respondent was asked if he would undergo an evaluation and, while the
4 evaluation was pending, voluntarily agree to have a female chaperone present while
5 examining female patients. Respondent agreed to undergo the evaluation and, although
6 the evaluation was not complete, to examine female patients only in the presence of a
7 female chaperone.

8 7. On August 22, 2005 the Board considered summary proceedings against
9 Respondent for allegations of violating the Interim Consent Agreement involving all three
10 above described cases that required he have a female chaperone present when
11 examining female patients. The chaperone was required to be a licensed healthcare
12 professional. The Board was informed that Board Staff had conducted an on-site survey
13 and observed Respondent not complying with the Interim Consent Agreement.
14 Respondent maintained he was not aware the Interim Consent required him to
15 immediately obtain a chaperone and he was in the process of doing so. The Board voted
16 to stay a summary action if Respondent provided proof by 5:00 p.m. that he had retained
17 such a professional. Respondent timely provided the proof of retaining the professional.

18 **MD-05-1018A**

19 8. On October 7, 2005 a female patient of Respondent ("RS") telephoned the
20 Board to file a complaint against Respondent alleging Respondent had been asking her to
21 take off her clothes for most every visit even when she appeared for prescriptions only.
22 RS alleged Respondent touched her breast and vaginal area. According to RS
23 Respondent claimed to be checking for "leg pulses" when he touched her vaginal area.
24 RS indicated she called the police who gave Respondent a warning and Respondent later
25 apologized to her. RS stated she had to continue seeing Respondent because she had

1 insurance through Arizona's HealthCare Cost Containment System ("AHCCCS") and
2 Respondent was her assigned primary care physician. RS reported her last appointment
3 with Respondent was on September 30, 2005 when she presented for prescription refills
4 and Respondent again examined her breasts with his hands and did not use a
5 stethoscope.

6 9. A Board investigator conducted a telephone interview with RS. During the
7 interview RS indicated her concerns included Respondent's interest in examining her
8 breast at each visit and one particular visit when he touched her vaginal area. RS
9 indicated that during her examinations Respondent required her to remove her blouse
10 and bra and manipulated her breasts with his hands while she was sitting in a chair. RS
11 also did not recall Respondent using a stethoscope unless he was checking her breathing
12 from the back. RS reported it felt like Respondent was "massaging" her breasts. RS
13 reported that during one examination Respondent had her lie on an examination table
14 with her shirt and bra off, but her jeans on. RS indicated that during this examination
15 Respondent slipped his hand into her jeans, under her pants and touched her vaginal
16 area on one side and moved his hand across her pubis to the other side. RS asked
17 Respondent why he was checking under her pants and states that Respondent claimed
18 he was checking her pulses. RS reported that during most examinations there was no
19 chaperone, but on her September 29, 2005 visit there was a chaperone. RS stated
20 Respondent still manipulated her breasts through her shirt. RS stated she received
21 prescriptions for Arthrotic, Aricept, Clonazepan, Ibuprofen and Vicodin.

22 10. On October 7, 2005 Board Staff conducted a site visit at Respondent's office
23 and interviewed Respondent and two Licensed Practical Nurses ("LPN") acting as
24 chaperones. Respondent admitted to conducting breast examinations on RS, but denied
25 examining or touching her vaginal area. Respondent was inconsistent when speaking

1 about his breast examinations in that he first admitted he conducted a breast examination
2 on September 29, 2005, but then denied that he conducted such an examination.
3 Respondent stated he recalled RS had complained about frequent breast examinations
4 and remembered receiving a telephone call from a police officer who was allegedly RS's
5 boyfriend. Respondent indicated RS saw his wife, also a physician, after making a
6 previous complaint. Respondent stated RS later apologized and requested an
7 appointment with Respondent. Respondent testified he did examine RS's breasts
8 because she was asking about a breast reduction. Respondent stated he currently has
9 chaperones during every examination, but admitted they sometimes forget to sign the
10 chart.

11 11. The LPN signing RS's chart could not remember anything about RS's
12 examination, but admitted it was her signature on the September 29, 2005 appointment.
13 Both LPNs admitted they sometimes sign the chart after appointments, sometimes the day
14 of the appointment and sometimes more than a day after the appointment. The LPNs
15 indicated they have not witnessed Respondent seeing female patients without a
16 chaperone and have not witnessed any inappropriate examinations. However, one LPN
17 reported she witnessed her first breast examination on October 7, 2005 for a patient as a
18 follow-up to a mammogram. The LPN stated Respondent asked the patient who was
19 sitting on a chair to raise her top and bra and Respondent proceeded to manipulate the left
20 breast and explained to the patient how to conduct a breast self-examination.

21 12. The review of RS's chart entry for the September 29, 2005 appointment has
22 no prescription recorded for this date. Respondent did not note in Respondent's chart why
23 he was seeing RS, but did note she wanted to continue Aricept, among other notes.

24 13. The facts as presented demonstrate that the public health, safety or welfare
25 imperatively requires emergency action.

1 **INTERIM CONCLUSIONS OF LAW**

2 1. The Board possesses jurisdiction over the subject matter hereof and over
3 Respondent, holder of License No. 27103 for the practice of allopathic medicine in the
4 State of Arizona.

5 2. The conduct and circumstances described above constitute unprofessional
6 conduct pursuant to A.R.S. § 32-1401(27)(z) ("[e]ngaging in sexual conduct with a current
7 patient or with a former patient within six months after the last medical consultation. . . .
8 For the purposes of this subdivision, "Sexual Conduct" includes: i) Engaging in or soliciting
9 sexual relationships, whether consensual or nonconsensual. ii) Making sexual advances,
10 requesting sexual favors or engaging in other verbal conduct or physical contact of a
11 sexual nature. iii) Intentionally viewing a completely or partially disrobed patient in the
12 course of treatment if the viewing is not related to patient diagnosis or treatment under
13 current practice standards."

14 3. Based on the foregoing Interim Findings of Fact and Conclusions of Law, the
15 public health, safety or welfare imperatively requires emergency action. A.R.S. § 32-
16 1451(D).

17 **ORDER**

18 Based on the foregoing Interim Findings of Fact and Conclusions of Law, set forth
19 above, IT IS HEREBY ORDERED THAT:

20 1. Respondent's license to practice allopathic medicine in the State of Arizona,
21 License No. 27103, is summarily restricted in that he may only continue to see and treat
22 male patients pending a formal hearing before an Administrative Law Judge from the
23 Office of Administrative Hearings.

24 2. The Interim Findings of Fact and Conclusions of Law constitute written notice
25 to Respondent of the charges of unprofessional conduct made by the Board against him.

Respondent is entitled to a formal hearing to defend these charges as expeditiously as possible after the issuance of this order.

3. The Board's Executive Director is instructed to refer this matter to the Office of Administrative Hearings for scheduling of an administrative hearing to be commenced as expeditiously as possible from the date of the issuance of this order, unless stipulated and agreed otherwise by Respondent.

DATED this 11 day of October 2005.

ARIZONA MEDICAL BOARD

(SEAL)

By: *Timothy C. Miller*
for TIMOTHY C. MILLER, J.D.
Executive Director

ORIGINAL of the foregoing filed this 11 day of October 2005 with:

The Arizona Medical Board
9545 E. Doubletree Ranch Road
Scottsdale, Arizona 85258

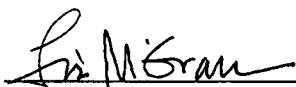
Executed copy of the foregoing mailed
by U.S. Certified Mail this 11 day
of October 2005, to:

Peter F. Fisher
Bradford Law Offices, P.L.L.C.
4131 North 24th Street – Building C – Suite 201
Phoenix, Arizona 85016

Executed copy of the foregoing mailed
by U.S. Mail this 11 day
of October 2005, to:

Sudhir K. Goel, M.D.
Address of Record

1 Dean Brekke
2 Assistant Attorney General
3 Arizona Attorney General's Office
4 1275 West Washington, CIV/LES
5 Phoenix, Arizona 85007

6 
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25